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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

EYAL R.D. CORP.,  
Plaintiff,

v.

JEWELX NEW YORK LTD., INC.,  
Defendant.

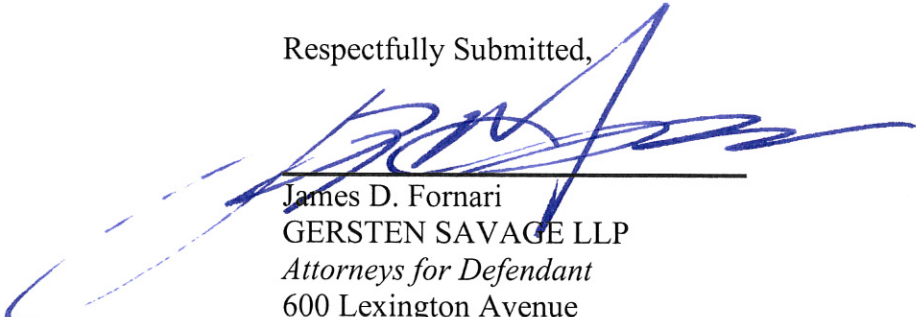
Case No. 07-cv-13 (AKH)

**DEFENDANT JEWELX LTD., INC.'S  
[PROPOSED] SPECIAL VERDICT  
FORM**

Defendant Jewelex Ltd., Inc. (Jewelex) hereby submits the following proposed special verdict form for use in the trial of the above-captioned matter.

Dated: January 13, 2012  
New York, NY

Respectfully Submitted,



James D. Fornari  
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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

EYAL R.D. CORP.,

Plaintiff,

v.

JEWELX NEW YORK LTD., INC.,

Defendant.

Case No. 07-cv-13 (AKH)

**[PROPOSED]SPECIAL VERDICT**

We, the Jury in the above-entitled action, find the following Special Verdict on the questions presented to us:

**QUESTION NO. 1: Do you find that the single ring design that has been described as the Eyal ring is included in Plaintiff Eyal R.D. Corp.'s Copyright Registration VA 1-386-584?**

**YES** \_\_\_\_\_ **NO** \_\_\_\_\_

If you answered "YES" to Question 1, proceed to Question 2.

If you answered "NO" to Question 1, stop here and answer no further questions. Have your presiding juror sign and date this verdict form and report your verdict to the Court.

**QUESTION NO. 2: Do you find that Plaintiff Eyal R.D. Corp. holds a valid copyright to the single ring design?**

**To find "Yes", you must determine all of the following to be true:**

A. The single ring design is original;

1. The design was independently created;

YES \_\_\_\_\_ NO \_\_\_\_\_

And,

2. The single design independently contains sufficient creative elements to merit copyright protection on its own.

YES \_\_\_\_\_ NO \_\_\_\_\_

B. Eyal R.D. Corp. complied with all applicable formalities in copyright application process:

1. Eyal R.D. Corp. published the entire collection contained in Registration VA 1-386-584 as a single group by:

- a. Offered all items as a single group for sale or distribution;

YES \_\_\_\_\_ NO \_\_\_\_\_

And,

- b. Such offer was made to a group of people.

YES \_\_\_\_\_ NO \_\_\_\_\_

2. Eyal R.D. Corp. did not knowingly provide materially false information to the Copyright Office on the copyright application for Registration VA 1-386-584.

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered "YES" to each part of Question 2, proceed to Question 3.

If you answered "NO" to any part of Question 2, stop here and answer no further questions.

Have your presiding juror sign and date this verdict form and report your verdict to the Court.

**QUESTION NO. 3: Do you find that Defendant Jewalex New York, Ltd. established that the ring which it sold was independently created?**

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered "YES" to Question 3, stop here and answer no further questions. Have your presiding juror sign and date this verdict form and report your verdict to the Court.

If you answered "NO" to Question 3, proceed to Question 4.

**QUESTION NO. 4: Do you find that Defendant Jewele New York Ltd., Inc. actually copied (or sold or imported items from someone who actually copied) protected elements of Plaintiff Eyal R.D. Corporation's copyright in the single ring design without Plaintiff Eyal's permission?**

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered "YES" to Question 4, proceed to Question 5.

If you answered "NO" to Question 4, stop here and answer no further questions. Have your presiding juror sign and date this verdict form and report your verdict to the Court.

**QUESTION NO. 5: What are the money damages to be awarded to Plaintiff Eyal R.D. Corporation?**

**Actual Damages suffered by Plaintiff Eyal R.D. Corp.: \$ \_\_\_\_\_**

**Profits earned by Defendant Jewele New York LTD, Inc. (excluding any sales used to calculate Eyal R.D. Corp.'s actual damages): \$ \_\_\_\_\_**

**Total Damages: \$ \_\_\_\_\_**

Have your presiding juror sign and date this verdict form and report your verdict to the Court.

I hereby certify that the above answers constitute the answers of at least all of the deliberating jurors.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Presiding Juror

\_\_\_\_\_  
Printed Name of Presiding Juror

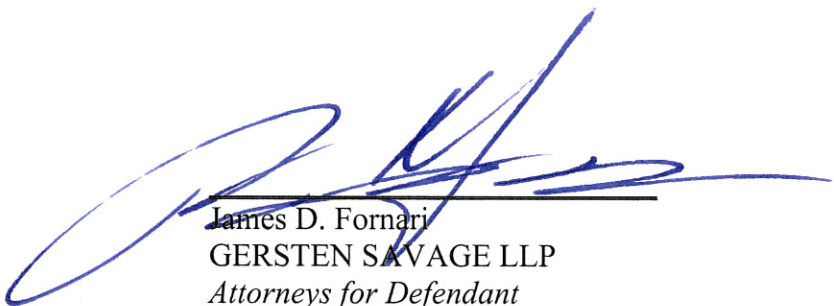
**CERTIFICATE OF SERVICE**

I, James D. Fornari, attorney for Defendant Jewelex New York Ltd., Inc., hereby certify that a true and correct copy of the foregoing **DEFENDANT JEWELX NEW YORK, LTD., INC.'S [PROPOSED] JURY INSTRUCTIONS** was served via Federal Express and electronic mail on January 13, 2012, upon the following parties:

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Dated: January 13, 2012  
New York, NY



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